

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY and FIRST STATE INSURANCE  
COMPANY,

Plaintiffs,

v.

No. 4:08-CV-01687-CAS

THE DOE RUN RESOURCES CORPORATION  
f/k/a ST JOE MINERALS CORPORATION,

and

ZURICH AMERICAN INSURANCE COMPANY  
as successor-in-interest to ZURICH INSURANCE  
COMPANY, U.S. BRANCH

Defendants.

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THE DOE RUN RESOURCES CORPORATION,

Counter-Claimant,

v

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY and FIRST STATE INSURANCE  
COMPANY,

Counter-Defendants.

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**THE DOE RUN RESOURCES CORPORATION'S NOTICE OF MOTION TO  
DISMISS OR, IN THE ALTERNATIVE, STAY ZURICH'S CROSS-CLAIM FOR  
DECLARATORY RELIEF**

The Doe Run Resources Corporation f/k/a St. Joe Minerals Corporation ("Doe Run")  
respectfully moves this Court pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(3)

and/or 12(b)(6) for an Order dismissing or, in the alternative, staying the Cross-claim brought by Zurich American Insurance Co. ("Zurich") on the ground that the issue of Zurich's coverage obligation is already the subject of an earlier-filed lawsuit between Zurich and Doe Run currently pending in California state court. This Court should therefore abstain from exercising jurisdiction over Zurich's Cross-claim. In support of this Motion, and pursuant to Local Rule 7-4.01, Doe Run respectfully submits the accompanying memorandum of points and authorities.

Dated: March 20, 2009

Respectfully submitted,

ABELSON | HERRON LLP

By: /s/ Marc D. Halpern

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Counsel for Defendant, Cross-Defendant and  
Counter-Claimant The Doe Run Resources  
Corporation

**CERTIFICATE OF SERVICE**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI – EASTERN DIVISION**

**Hartford Accident And Indemnity Company, et al.**

**v.**

**The Doe Run Resources Corporation, et al.**

**District Court Case No. 4:08-cv-01687-CAS**

I am over the age of 18 and not a party to the within action; I am employed by Abelson | Herron, LLP in the County of Los Angeles at 333 South Grand Avenue, Suite 1550, Los Angeles, California, 90071-1559.

On March 20, 2009, I served the document below described as:

**The Doe Run Resources Corporation's Notice of Motion to Dismiss or, in the Alternative, Stay Zurich's Cross-Claim for Declaratory Relief**

The document was served by the following means:

- × **BY ELECTRONIC TRANSMISSION VIA NEF** I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which sent Notifications of Electronic Filing to the persons at the e-mail addresses listed immediately below. Accordingly, pursuant to the Court's Local Rule 5-2.12, I caused the documents to be sent electronically to the persons listed immediately below.

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COMPANY

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on March 20, 2009 at Los Angeles, California.

/s/ Marc D. Halpern

Marc D. Halpern

**Certificate of Service *Cont.***

- × **BY U.S. MAIL** I enclosed the document in a sealed envelope addressed to the persons at the address listed immediately below and placed the sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the said date, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelopes with postage fully prepaid.

James P. Ruggeri, Esq.  
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Counsel for Plaintiffs and Counter-Defendants,  
HARTFORD ACCIDENT AND INDEMNITY  
COMPANY; and  
FIRST STATE INSURANCE COMPANY

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on March 20, 2009 at Los Angeles, California.

  
Rachel E. Capata